

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADAM MICHAEL TOOMBS,

Defendant.

3:19-CR-011-HDM-WGC

**Preliminary Order of Forfeiture**

This Court finds Adam Michael Toombs pled guilty to Count Two of a Three-Count Superseding Indictment charging him with receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2). Superseding Indictment, ECF No. 53; Change of Plea, ECF No. 85; Plea Agreement, ECF No. 82.

This Court finds Adam Michael Toombs agreed to the forfeiture of the property set forth in the Forfeiture Allegation of the Superseding Indictment, the Bill of Particulars, and the Plea Agreement. Superseding Indictment, ECF No. 53; Bill of Particulars, ECF No. 70; Change of Plea, ECF No. 85; Plea Agreement, ECF No. 82.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Superseding Indictment, the Bill of Particulars, and the Plea Agreement and the offense to which Adam Michael Toombs pled guilty.

The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation

1 of 18 U.S.C. § 2252A(a)(2) and (2) any property, real or personal, used or intended to be  
2 used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(2) or any property  
3 traceable to such property and is subject to forfeiture pursuant to 18 U.S.C. § 2253(a)(1) and  
4 2253(a)(3):

- 5 1. A Dell Experian laptop, bearing serial number CQZLG1; and
- 6 2. A Maxtor hard drive, bearing serial number UA00D6NC, in the  
7 aforementioned Dell Experian laptop  
8 (all of which constitutes property).

9 This Court finds that on the government's motion, the Court may at any time enter  
10 an order of forfeiture or amend an existing order of forfeiture to include subsequently  
11 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and  
12 32.2(b)(2)(C).

13 This Court finds the United States of America is now entitled to, and should, reduce  
14 the aforementioned property to the possession of the United States of America.

15 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
16 DECREED that the United States of America should seize the aforementioned property.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory  
18 rights, ownership rights, and all rights, titles, and interests of Adam Michael Toombs in the  
19 aforementioned property are forfeited and are vested in the United States of America and  
20 shall be safely held by the United States of America until further order of the Court.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States  
22 of America shall publish for at least thirty (30) consecutive days on the official internet  
23 government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall  
24 describe the forfeited property, state the time under the applicable statute when a petition  
25 contesting the forfeiture must be filed, and state the name and contact information for the  
26 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)  
27 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,  
28 the government may instead serve every person reasonably identified as a potential claimant

1 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.  
2 Rule G(4)(a)(i)(A).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
4 or entity who claims an interest in the aforementioned property must file a petition for a  
5 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which  
6 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C.  
7 § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's  
8 right, title, or interest in the forfeited property and any additional facts supporting the  
9 petitioner's petition and the relief sought.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
11 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal  
12 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty  
13 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days  
14 after the first day of the publication on the official internet government forfeiture site,  
15 [www.forfeiture.gov](http://www.forfeiture.gov).

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
17 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
18 Attorney's Office at the following address at the time of filing:

19 Daniel D. Hollingsworth  
20 Assistant United States Attorney  
21 James A. Blum  
22 Assistant United States Attorney  
23 501 Las Vegas Boulevard South, Suite 1100  
24 Las Vegas, Nevada 89101.

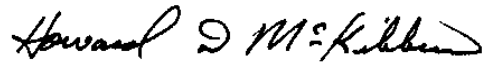
25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice  
26 described herein need not be published in the event a Declaration of Forfeiture is issued by  
27 the appropriate agency following publication of notice of seizure and intent to  
28 administratively forfeit the above-described property.

///

///

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
2 copies of this Order to all counsel of record. IT IS SO ORDERED.

3 DATED: August 3, 2021.

4  
5 

6 \_\_\_\_\_  
7 HOWARD D. MCKIBBEN  
8 UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28